IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9560 of 2004

Between:

1.N.Bal Reddy S/o Chittaiah Kundapally village, Keesara (M) R.R.District.
2.N.Sudhakar Reddy S/o Late Veera Reddy Kundanpally, (V) Keesara (M) R.R.District

..... PETITIONERS

AND

1 The Assistant Commissioner of Police Malkajgiri Division , Cyberabad, Commissionerate Kushaiguda, R.R.District
2 The C.I. of police , P.S.Kushaiguda, R.R.district
3 The S.I of Police , P.S.Kessara, R.R.District
4 V.C.Prakash Reddy S/o Late V.Raja Reddy H.No. 157/A, MLA's Colony, Road No.12 Banajara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction against the Respondents declaring the action of the Respondents, in seeking to interfere in the Civil dispute in respect of land in Sy.NO.34C,35A,36,37A, 38B, admeasuring about 40acres, and 20 guntas, situated at kundaplly , (V), kessara (M) , R.R.District is contrary to law and illegal

Counsel for the Petitioner: MR.B.BAL REDDY, ADVOCATE

Counsel for the Respondents 1 to 3: GP FOR HOME

Counsel for the Respondent No.4 : None appeared

The Court made the following:

ORDER:

This writ petition is filed by the petitioners being aggrieved by the action of respondents 1 to 3 in interfering with the alleged possession of the petitioners in respect of land situated in Survey Nos.34C, 35A, 36, 37A, 38B admeasuring about Ac.40.20 guntas at Kundapally (V), Keesara (M), R.R. District.

2. According to the petitioners, there are civil disputes with reference to the above property as occupancy certificate was issued to some third parties under the provisions of A.P. (T.A.) Abolition of Inams Act, 1955. Petitioners along with some other persons, filed O.S.No.22 of 1994 for partition and separate possession and it is stated that the said suit was decreed among 13 persons who were the parties to the said suit and they were put in separate possession. However, at the instance of the fourth respondent, respondents 1 to 3 are interfering. It is also stated at the time of hearing that the petitioners have approached this Court on an earlier occasion by way of W.P.No.19134 of 2003 which was disposed of by this Court on 25.09.2003 in which, even a

counter affidavit has been filed on behalf of the official respondents stating that they are not interfering. But, however, the repeated allegation of the petitioners is that the official respondents are interfering and driving them to attend the Police station of respondents 2 and 3. Therefore, the petitioners have come up with the present writ petition and sought for a direction to the official respondents not to interfere and not to call them to the police station.

3. Heard the learned counsel for the petitioners and the learned Government Pleader for Home.

4. Admittedly, the disputes, if any, relates to the land of an extent of Ac.40.20 guntas referred to earlier and the said dispute is admittedly a civil dispute with which respondents 1 to 3 have no concern and it is not the case of anybody that any of the parties to the dispute have approached respondents 1 to 3 seeking their assistance. Even if any of the parties to the dispute approaches respondents 1 to 3, it is not for them to interfere unless there is an order directing the respondents 1 to 3 to give protection to any of the parties to the dispute.

5. Under the above circumstances, respondents 1 to 3 are directed not to interfere with the disputed property of an extent of Ac.40.20 guntas situated in Survey Nos. 34C, 35A, 36, 37A, 38B at Kundapally (V), Keesara (M),

R.R. District. The official respondents are also directed not to call the petitioners to the Police station with reference to the above dispute.

6. With the above directions and observations, the writ petition is disposed of. No costs.

16th June, 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

1 The Assistant Commissioner of Police Malkajgiri Division , Cyberabad, Commissionerate Kushaiguda, R.R.District
2 The C.I. of police , P.S.Kushaiguda, R.R.district
3 The S.I of Police , P.S.Kessara, R.R.District
4 Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad. (OUT)
5. 2 CD copies.